

EXHIBIT C

S.D.N.Y. – N.Y.C.
23-cv-198
Vyskocil, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of November, two thousand twenty-three.

Present:

Reena Raggi,
Richard J. Sullivan,
Eunice C. Lee,
Circuit Judges.

Jane Doe,

Plaintiff-Appellant,

v.

23-1210

New York City Department of Education, Dr. Linda Chen,
Kimberly Wittmer, Lucious Young, Nora Lovett,

Defendants-Appellees.


Appellant, pro se, appeals the district court’s denial of her motion to proceed under a pseudonym. She also moves for this Court to expedite a Freedom of Information Law (“FOIL”) request and for recusal of opposing counsel. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED for two reasons:

First, we lack jurisdiction because the portion of the district court’s order that denied the motion for entry of default judgment is nonfinal. *See In re Wills Lines, Inc.*, 227 F.2d 509, 511 (2d Cir. 1955). Second, the appeal is frivolous because Appellant’s motion to proceed under a pseudonym “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995). Any concern regarding disclosure of medical information can be addressed through motions to seal or redact.

It is further ORDERED that the FOIL motion is DENIED because plaintiff failed to seek such relief before the district court. *See Virgilio v. City of New York*, 407 F.3d 105, 116 (2d Cir. 2005) (explaining that we generally “refrain from passing on issues not raised below”). The recusal motion is DENIED as moot, in light of the appearance of new counsel for defendants.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court


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